

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MY MAVENS LLC,
Plaintiff,

- vs. -

GRUBHUB, INC., and WENJUN
ZHANG,

Defendants.

ORDER

20 Civ. 4657 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On August 4, 2021, this Court directed the parties to conduct discovery for 30 days on the statutes of limitations arguments raised in Defendants' proposed motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). (Dkt. No. 32) Defendant Grubhub, Inc. seeks to rely on documents and information produced in discovery in support of its argument that Plaintiff's claims are untimely. (See Dkt. No. 35)

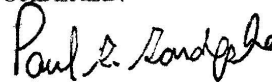
"In considering a motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6), a district court may consider the facts alleged in the complaint, documents attached to the complaint as exhibits, . . . documents incorporated by reference in the complaint . . . [and documents] render[ed] . . . 'integral' to the complaint." DiFolco v. MSNBC Cable L.L.C., 622 F.3d 104, 111 (2d Cir. 2010) (citations omitted). To the extent that Defendants seek to rely on discovery materials not properly before the Court on a Rule 12(b)(6) motion, they will style their motions as partial motions for summary judgment.

Defendants' deadline to file their motions is extended to **October 20, 2021**.

Plaintiff's opposition will be filed by **November 19, 2021**. Any replies will be filed by **November 29, 2021**.

Dated: New York, New York
October 13, 2021

SO ORDERED.



Paul G. Gardephe
United States District Judge